

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DANIEL D'AMBLY,

Plaintiff,

vs.

CHRISTIAN EXOO a/k/a @ANTIFASH
GORDON; et al.,

Defendants.

CIVIL ACTION NO.: 2:20-cv-12880

JOHN MICHAEL VAZQUEZ, U.S.D.J.

**CERTIFICATION OF COUNSEL IN
SUPPORT OF DANIEL D'AMBLY'S
MOTION TO COMPEL ONE PEOPLE'S
PROJECT TO PRODUCE DOCUMENTS,
THINGS, AND ELECTRONICALLY
STORED INFORMATION IDENTIFIED
IN PLAINTIFF'S SUBPOENA DUCES
TECUM AND FOR AN EXPEDITED
ORDER TO SHOW CAUSE WHY ONE
PEOPLE'S PROJECT SHOULD NOT BE
HELD IN CONTEMPT FOR FAILING TO
COMPLY WITH SUBPOENA**

I, Patrick Trainor, Esq., of full age, do hereby certify as follows:

1. I am an attorney at law in the State of New Jersey and an attorney with the Law Office of Patrick Trainor, Esq., LLC, attorney for Plaintiff, Daniel D'Ambly (hereinafter "Mr. "Plaintiff" or D'Ambly") in the above titled action.

2. I make this certification in support of Plaintiff's expedited Motion for Order to compelling One People's Project's the registered owner of defaulted defendant Torch Antifa Network's internet domain and website www.torchantifa.org to produce, documents, things, and electronically stored information covered by the subpoena duces tecum that was served on them on May 16, 2022, and May 23, 2022. And further, for an expedited Order to Show Cause why One People's Project should not be held in contempt for failing to comply with the subpoena. (*One People's Project and Torch Antifa Network are hereinafter collectively referred to as "Torch"*).

3. Prior to serving the subpoena duces tecum and before making this motion I unsuccessfully attempted to find alternate sources for the documents, things, and electronically stored information sought.

4. Defaulted defendant Torch Antifa Network is an unincorporated association that publishes the website known as *www.torchantifa.org*. Torch does not have any known physical or business addresses or registered agents where personal service can be completed. However, at all times relevant, One People's Project was identified in the internet domain registry maintained by the Internet Corporation for Assigned Names and Numbers ("ICANN") as the owner, registrant, technical, administrative, and billing contact for Torch Antifa Network's website known as *www.torchantifa.org*.

5. One People's Project is an IRS 501(c)(3) that lists 383 Hillcrest Avenue, Somerset, NJ 08873 as its business address in annual tax filings submitted to the Internal Revenue Service. Further, One People's Project's founder and only known employee is publicly associated with 383 Hillcrest Avenue, Somerset, New Jersey 08873.

6. On April 17, 2021, Plaintiff served One People's Project a notice to preserve documents, things, and electronically stored information for *www.torchantifa.org*.

7. On December 4, 2021, a professional process server, acting on behalf of Plaintiffs and their counsel, who does not have a direct interest in this litigation, successfully served a Summons and the Complaint on defendant Torch Antifa Network c/o One People's Project.

8. Torch did not answer or otherwise defend the summons and complaint.

9. On May 6, 2022, after the time for Torch to answer or otherwise defend the complaint had expired, Plaintiffs filed a Request for Entry of Default against Torch Antifa Network. (ECF No. 132).

10. On May 10, 2022, Clerk's Entry of Default as to Torch Antifa Network was entered.

11. On May 16, 2022, Plaintiffs served a subpoena to produce the documents, things, and electronically stored information related to Torch Antifa Network's internet domain *www.torchantifa.org* on Torch Antifa Network via the registered agent for One People's Project the owner and registrant of *www.torchantifa.org*. A copy of the Subpoena to Produce Documents and Things is annexed hereto as **Exhibit A**.

12. On May 23, 2022, Plaintiffs served One People's Project at 383 Hillcrest Avenue, Somerset, NJ 08873 the subpoena to produce documents, things, and electronically stored information for internet domain *www.torchantifa.org*.

13. All of the documents, things, and electronically stored information covered by the subpoena are nonprivileged and highly relevant to the claims in this action. Producing them is not disproportionately burdensome or expensive, and all documents covered by the subpoena are completely discoverable under the provisions of *Rule 26(b) of the Federal Rules of Civil Procedure*.

14. The information sought by the subpoena is critical to Plaintiff's claims that defendants employed an online smear campaign against him, caused property damage at his home, and that defendants tortiously interfered with his prospective economic benefits, which caused his employment to be terminated.

15. To date Torch has not produced the documents, things, and electronically stored information covered by the subpoena. Further, Torch did not object, timely or otherwise, to the subpoena in accordance with *Fed. R. Civ. P. 45(d)(2)(B)*, nor has Torch claimed that the

documents, things, and electronically stored information were inaccessible or disproportionately burdensome or expensive to produce.

16. Good cause exists to believe that highly relevant information on these issues will be found in the subpoenaed materials, because Torch openly discussed these acts in real time in public online forums and direct public online messages and Tweets.

17. Further, good cause exists to enforce this subpoena, because I have learned that after Torch was served the subpoena, Torch intentionally took steps to destroy or shield from discovery highly relevant information by: (1) changing its domain name from “*www.torchantifa.org*” to “*www.torch-antifa.org*,” and (2) by changing the internet domain registry settings from public access to private, which prevents Plaintiff and others from accessing the identifying information of the owner and registrant for either *www.torchantifa.org* or *www.torch-antifa.org*.

18. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are knowingly and/or willfully false, I am subject to punishment.

THE LAW OFFICE OF PATRICK TRAINOR, ESQ., LLC

April 12, 2023

/s/ Patrick Trainor

Patrick Trainor, Esq.

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